

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robertson et al. ✓  
Application No.: 09/382,242 ✓  
Filed: August 24, 1999  
Title: ESTERASES

Art Unit: 1652  
Examiner R. Prouty

Commissioner of Patents  
Washington, D.C. 20231

TERMINAL DISCLAIMER

Sir:

The undersigned, attorney of record for Petitioner, DIVERSA CORPORATION, with its place of business at 4955 Directors Place, San Diego, CA 92121, represents that Petitioner is the Assignee of 100 percent interest in Application Serial No. 09/382,242, filed August 24, 1999, entitled ESTERASES, as evidenced by the attached Assignment of the invention of U. S. Application Serial No. 08/602,359, filed February 16, 1996, to Recombinant BioCatalysis, Inc., La Jolla, California, now known as DIVERSA CORPORATION.

The evidentiary documents referred to herein have been reviewed by the undersigned and it is certified that to the best of the undersigned's knowledge and belief, title is in the Assignee.

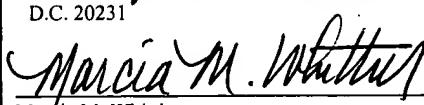
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CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on Sept 4, 2001, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231

  
Marcia M. Whittier

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Pursuant to 37 C.F.R. § 1.321(c), the undersigned, on behalf of Petitioner, DIVERSA CORPORATION, disclaims the terminal part of any patent granted on the above-identified Application No. 09/382,242 which would extend beyond the expiration date of U.S. Patent No. 5,942,430. Petitioners hereby agree that any patent so granted on the above-identified application No. 09/382,242 shall be enforceable only for and during such period that the legal title to claims of said patent shall be the same as the legal title to U.S. Patent No. 5,942,430, this Agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successor or assigns.

To cover the fee to file the Terminal Disclaimer, Applicants enclose herewith a check in the amount of \$55.00. The Commissioner is hereby authorized to charge any additional fee associated with filing this Terminal Disclaimer, or that may be required by this paper, or to credit any overpayment to Deposit Account No. 50-1355. A duplicate copy of the Transmittal Sheet is enclosed.

Respectfully submitted,

Date: Aug. 30, 2001

*Jane M. Learngar*  
Lisa A. Haile, Ph.D.  
Registration No. 38,347  
Telephone: 858-677-1456  
Facsimile: 858-677-1465  
Reg No 31,238

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1600  
San Diego, CA 92121-2189  
USPTO Customer No. 28213

Enclosure: Check for \$55.00

# ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, each of the undersigned, **Dan E. Robertson, Dennis Murphy, John Reid, Anthony M. Maffia, Steven Link, Ronald V. Swanson, Patrick V. Warren and Anna Kosmotka**, hereby sells, assigns and transfers to Recombinant Biocatalysis, Inc. ("Assignee") having a place of business at **505 Coast Blvd., 4th Floor, La Jolla, California 92037**, its successors, assigns and legal representatives, his entire right, title and interest for the United States and all other countries, in and to the improvements(s) known as:

## ESTERASES

also known as United States Application Serial No. 08/602,359, filed February 16, 1996, and is entitled:

## ESTERASES

and in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all other countries on any of said improvements, and in and to all original and reissued patents which have been or shall be issued in the United States and all other countries on said improvements (hereinafter collectively, the "Patent Rights").

The undersigned further agrees that said Assignee may apply for and receive Letters Patent for said improvements in its own name; and, when requested, without charge to but at the expense of Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue and all other patent applications on all such improvements; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives all facts known to the undersigned relating to said improvements and the history thereof; and do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patent and all patents on said improvements in Assignee, its successors, assigns and representatives.

The undersigned hereby represents and warrants to Assignee, its successors, assigns and representatives that no assignment, grant, mortgage, license or other right or agreement affecting the rights and property herein conveyed has been made to others by the undersigned and that full right to convey the same as expressed herein is possessed by the undersigned.

The undersigned hereby grants power to John N. Bain (Reg. No. 18,651); John G. Gilfillan, III (Reg. No. 22,746); Elliot M. Olstein (Reg. No. 24,025); Raymond J. Lillie (Reg. No. 31,778); Charles J. Herron (Reg. No. 28,019); William Squire (Reg. No. 25,378); and Gregory D. Ferraro (Reg. No. 36,134) to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document. Address correspondence and telephone calls to Charles J. Herron c/o of Carella, Byrne, Bain, Gilfillan, Cecchi, Stewart & Olstein, 6 Becker Farm Road, Roseland, New Jersey 07068

IN WITNESS WHEREOF, this Assignment is executed by the undersigned on the date(s) opposite their signature(s):

Inventor's Signature: Dan E. Robertson

Date: May 8, 1996

STATE OF Pa, COUNTY OF Delaware SS.:

Before me this 8th day of May, 1996 personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.

C. Edward Semmens

Notary Public

NOTARIAL SEAL
C. EDWARD SEMMENS, NOTARY PUBLIC
UPPER DARBY TOWNSHIP, DELAWARE COUNTY
MY COMMISSION EXPIRES JULY 3, 1996
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Second Joint Inventor's Signature

*Henry J. Kufay*

Date: May 8 1996

STATE OF Pa, COUNTY OF Delaware SS.:

Before me this 8th day of May, 1996 personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.

NOTARIAL SEAL  
C. EDWARD SEMMENS, NOTARY PUBLIC  
UPPER DARCY TOWNSHIP, DELAWARE COUNTY  
MY COMMISSION EXPIRES JULY 3, 1996  
Notary Public

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Third Joint Inventor's Signature: John C. Reid Date: 5/8/96

STATE OF Pa, COUNTY OF Delaware SS.:

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MY COMMISSION EXPIRES JULY 3, 1996  
Notary Public

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Fourth Joint Inventor's Signature: John C. Reid Date: 5/8/96

STATE OF Pa, COUNTY OF Delaware SS.:

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C. EDWARD SEMMENS, NOTARY PUBLIC  
UPPER DARCY TOWNSHIP, DELAWARE COUNTY  
MY COMMISSION EXPIRES JULY 3, 1996  
Notary Public

Fifth Joint Inventor's Signature: Steve Link Date: 5/8/96

STATE OF Pa, COUNTY OF Delaware SS.:

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NOTARIAL SEAL  
C. EDWARD SEMMENS, NOTARY PUBLIC  
UPPER DARCY TOWNSHIP, DELAWARE COUNTY  
MY COMMISSION EXPIRES JULY 3, 1996  
Notary Public

Sixth Joint Inventor's Signature: James V. Senn Date: 5/8/96

STATE OF Pa, COUNTY OF Delaware SS.:

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UPPER DARCY TOWNSHIP, DELAWARE COUNTY  
MY COMMISSION EXPIRES JULY 3, 1996  
Notary Public

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Seventh Joint Inventor's Signature: Walter V. Warren

Date: 5/8/86

STATE OF Pa, COUNTY OF Delaware SS.:

Before me this 8th day of May, 1996 personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.

NOTARIAL SEAL

C. EDWARD SEMMENS, NOTARY PUBLIC  
UPPER DAREY TOWNSHIP, DELAWARE COUNTY  
MY COMMISSION EXPIRES JULY 3, 1998

  
Notary Public

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Eighth Joint Inventor's Signature: Anne Kosmatka Date: 5/8/96

STATE OF Pa, COUNTY OF Delaware SS.:

Before me this 8th day of May, 1996 personally appeared the above named individual(s), to me known to be the person(s) who are described in and who executed the foregoing assignment instrument and acknowledged to me that they executed the same of their own free will for the purpose therein expressed.

NOTARIAL SEAL

C. EDWARD SEMMENS, NOTARY PUBLIC  
UPPER DAREY TOWNSHIP, DELAWARE COUNTY  
MY COMMISSION EXPIRES JULY 3, 1998

MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI, STEWART & OLSTEIN  
6 Becker Farm Road - Roseland, NJ 07068 - (201) 994-1700

Docket No. 331400-39

CAPM/CJH072